



Department of Energy

Idaho Operations Office
1955 Fremont Avenue
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January 19, 2005

Daryl F. Koch, Remediation Manager
Waste Management and Remediation Division
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706-1255

SUBJECT: Response to the January 6, 2005 e-mail concerning ICDF operations (FMDP-FFA-CO-05-094)

Dear Mr. Koch:

I have received and discussed your e-mail with BBWI to review the concerns you have with recent ICDF operations. BBWI has met with Stoller to further investigate the issues raised. Since there are several specific issues listed, I will respond to each paragraph of your e-mail.

Paragraph 1 - DOE was aware of the two incidents discussed later in your e-mail but was surprised by the statement in paragraph 1 that "contractor managers have apparently ignored worker concerns." Through the course of the ICDF project, there have been instances where different approaches have been discussed between BBWI and Stoller regarding operations. In each instance, there has been open, professional discussion by BBWI and Stoller, and their employees. The request to receive beryllium-grouting wastewater from RWMC on December 23, 2004 was denied due to operational and employee concerns regarding the low ambient air temperature and potential impact on safe operations. Thus, operational concerns expressed by both managers and employees were in fact taken into account in deciding not to proceed with receipt of this shipment.

Neither Stoller nor BBWI believes that worker concerns have been ignored. DOE, BBWI and Stoller all emphasize to employees that all employees have stop-work authority. In addition, INEEL has a formal system of raising concerns beyond first-line managers when workers believe that safety or environmental compliance may be affected. To date, no employee has filed a written concern with either the contractor or DOE employee concern system. Contractor employees may come to the DOE employee concerns manager (who is outside all line-management and operations management chains) to express concerns. DEQ has seen DOE react in the past to employee concerns in other programs including Pit 9.

Stoller and BBWI management utilized their January 17, 2005 ICDF all-employee meeting in to re-emphasize the ability of any employee to raise concerns without reprisal, and to explain the corrective actions currently being taken in regard to the leachate collection system level indication equipment, as well as water shipments from RWMC.

Paragraph 2 – The description of the primary leachate collection system incident is correct. DOE was made aware of the incident on December 7, 2004. A corrective action plan is currently in the process of development and approval to prevent a re-occurrence.

Paragraph 3 – I take responsibility for not making sure that both DEQ and EPA were informed of the failure of the primary leachate collection system alarm. The alarm had been inadvertently disabled as a result of rebooting the PLC after a minor software upgrade. ICDF personnel observed that the allowable sump level of 12 inches was exceeded by approximately 1.5 inches. Short-term actions were taken immediately to correct the problem, and long-term corrective actions are being developed. It was the intent of DOE and contractor personnel to fully disclose this incident, along with planned corrective actions, during a routine agency teleconference to DEQ and EPA in mid-December; however, this did not occur. Telephone notification should have been made, followed by an email from DOE. As a technical note, it should be mentioned that there was no exceedance of the action leakage rate since the accumulation was in the leachate collection system, not the leak detection system.

Paragraph 3 – DOE and DEQ agreed during development of ICDF operating procedures that ICDF would be independent of generator operations. Your description of the interaction between BBWI and Stoller with respect to acceptance of wastewater from RWMC implied that unacceptable pressure may have been placed on ICDF operations by the waste generator, RWMC management. DOE does not believe that this occurred. Stoller is a sub-contractor to BBWI. It is entirely possible for the senior management of BBWI and their subcontractors to have discussions. If Stoller believed that they were asked to operate out of compliance, in any way, they would have raised the issue to BBWI senior management. However, this did not occur. DOE is not privy to the interactions between Stoller and the contractor (BBWI) but there are processes in place that provide Stoller with the mechanism to bring questions of compliance rapidly to DOE's attention. BBWI advises it has discussed this matter with Stoller, and has advised that this communication with Stoller senior management was not intended to apply, nor did it result in, pressure to accomplish a waste shipment in an unacceptable manner. Stoller fully agrees with this assessment.

Paragraph 4 – The shipment of wastewater on January 4, 2005 was the same material that had been considered for shipment on December 23, 2004. It had been in warm storage during the holiday curtailment. The wastewater does have low levels of tritium but is not a DOT radioactive waste shipment or a RCRA hazardous waste. There was a leak in one of six containers that was discovered when the shipment arrived at ICDF. Three separate parties made inspections prior to shipment, and no leakage or evidence of leakage was observed prior to shipment. The release was identified to the INEEL Spill Notification Team. Since it was determined that no exceedance of reportable quantities had occurred, no regulatory notifications were required. Nevertheless, we remain committed to disclose operating procedure and environmental requirements issues. The blotter paper beneath the leaking container was assayed and was within background levels. The "icicle" on the container drain was removed and assayed. The wastewater in all six containers has been disposed in the ICDF

evaporation pond. INEEL's dual scintillation Hummer vehicle was also used to survey the roadway for potential elevated gamma radiation count rates from within the RWMC to the gate at ICDF. Although it is recognized that beta-emitting radionuclides such as tritium would not be detected with the vehicle, no count rates above background were detected in the roadway.

Paragraph 5 – These six containers were also secured in accordance with procedures, and compliance with procedures was verified before the shipment left RWMC. The methods used, while compliant, were not adequate since the rearmost container apparently shifted during transport. An engineering evaluation of the tank placement and deformation prior to start of shipment resulted in the recommendation to use nets to tie down the tanks. In light of this experience, the tie-down methods used will be addressed by RWMC in their corrective action planning. RWMC's response to being informed of the issue was to acknowledge that their presence at ICDF would not resolve the problem. RWMC personnel have fully participated in the post-incident fact finding meetings.

Paragraph 6 – I do not agree that the operational oversight of ICDF is less than adequate. I do agree that DOE needs to understand and resolve the concerns that have been voiced directly to DEQ. As stated above, no one has used the existing employee concerns system to document any problem and no one has contacted DOE to express concerns. It is difficult to resolve concerns that are not expressed. DOE, BBWI and Stoller management all want to understand and resolve the concerns that employees have brought to your attention.

In summary, DOE takes all employee concerns seriously. DOE encourages all employees at the INEEL to use the established employee concerns systems that not only document concerns and concern resolution but also allow DOE to identify concerns that should be shared with other DOE sites. DOE will provide increased oversight of ICDF operations and commits to providing more timely and complete notification of operating issues.

Sincerely,



Kathleen Hain, Acting Director
Facility and Material Disposition Project

cc: Nicholas Ceto, EPA
Frank Russo
Michael Pratt
Lisa Green

EXTERNAL bcc DISTRIBUTION:

Stoller through c/o J. Simonds
Simonds, J.

ID DISTRIBUTION:

Administrative Support Center (Scanning)
! Administrative Support Center in Outlook (Elec.Copy)
Verwolf, M.
Allan, Paul.

CONCURRENCE:

L. Green *approved in CAB meeting*
M. O'Hagan *MDH 11/13/05*

RECORD NOTES:

1. This letter responds to an e-mail from IDEQ concerning reports from ICDF employees that safety and operating procedures were not being followed.
2. This letter was written by Kathleen Hain and staffed with BBWI ICDF management.
3. This letter/memo closes OATS number N/A
4. The attached correspondence has no relation to the Naval Nuclear Propulsion Program.